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January 29, 2015

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**BY HAND**

Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 6908 (American Action Network)

Dear Office of General Counsel:

This office represents the American Action Network ("AAN") in the above-captioned Matter Under Review ("MUR"). This letter responds to the Complaint by the American Democracy Legal Fund received by the Federal Election Commission ("FEC" or "Commission") on December 4, 2014.<sup>1</sup> The Complaint alleges that AAN coordinated independent expenditures with the National Republican Congressional Committee ("NRCC") by reviewing polling data publicly available on the Internet. This allegation is wrong as a matter of law and, in any event, it is unsubstantiated and untrue.

AAN did not coordinate its independent expenditures with the NRCC in violation of the Federal Election Campaign Act of 1971, as amended (the "Act" or "FECA"). The Commission regulations categorically exclude information that is publicly disseminated on the Internet – like that posted on Twitter – from the Act's definition of coordination. That should be the end of the matter.

The Complaint, however, proceeds to speculate – without any basis in fact – that the public availability of this polling data must have been preceded by a non-public discussion between the NRCC and AAN about independent expenditures. The Commission has consistently held that unsubstantiated claims of coordination like this must be dismissed. Regardless, no such discussion occurred. As this response and the enclosed Affidavit of Brian O. Walsh, President of AAN, (hereinafter "Walsh Aff.") will show, AAN did not coordinate its independent expenditures with the NRCC. Accordingly, the Commission should find no reason to believe that AAN violated the Act and dismiss this matter.

<sup>1</sup> By letter dated December 17, 2014, the Commission granted our request for an extension of time to respond to the Complaint until January 29, 2015.

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## FACTS

AAN is an incorporated entity recognized as tax-exempt under section 501(c)(4) of the Internal Revenue Code. Walsh Aff. ¶ 2. AAN works to “create, encourage and promote center-right policies based on the principles of freedom, limited government, American exceptionalism, and strong national security.” AAN, *About* (last visited Jan. 26, 2015), <https://americanactionnetwork.org/about>; Walsh Aff. ¶ 6. Its “goal is to put [its] center-right ideas into action by engaging ... the American people and spurring them into active participation in our democracy.” AAN, *About*.

The NRCC is the national political party committee supporting the election of Republican candidates to the U.S. House of Representatives. NRCC, *About* (last visited Jan. 26, 2015), <http://www.nrcc.org/about/>.

Twitter is a web-based platform used to disseminate information over the Internet. See Twitter, *What is Twitter* (last visited Jan. 26, 2015), <https://about.twitter.com/what-is-twitter>. Information that is posted on a user’s Twitter account is referred to as a “Tweet.” Twitter, *The story of a Tweet* (last visited Jan. 26, 2015), <https://about.twitter.com/what-is-twitter/story-of-a-tweet>. “Public Tweets” are visible to anyone with Internet access – regardless of whether the viewer has a Twitter account – and are accessible through search engines like Google. See Twitter, *About public and protected Tweets* (last visited Jan. 26, 2015), <https://support.twitter.com/groups/50-welcome-to-twitter/topics/204-the-basics/articles/14016-about-public-and-protected-tweets#>.<sup>2</sup>

Anyone can find public Tweets by using an external search engine or Twitter’s own internal search engine. See, e.g., Twitter, *Using Twitter search* (last visited Jan. 26, 2015) <https://support.twitter.com/articles/132700#>; Twitter, *Using advanced search* <https://support.twitter.com/groups/53-discover/topics/215-search/articles/71577-using-advanced-search#>; Twitter, *Why is my Twitter profile in Google search?* (last visited Jan. 26, 2015), <https://support.twitter.com/articles/15349-why-is-my-twitter-profile-in-google-search#> (“Your Twitter profile shows up in Google searches because Twitter has a high Google search rank.”). For example, as of this writing the first result when searching Google for “NJ-03 twitter” is the website

<sup>2</sup> “Protected Tweets,” by contrast, are only visible to approved followers and cannot be found through Google or other searches. *Id.*

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<https://twitter.com/hashtag/nj03> which contains a listing of Tweets regarding politics in the third congressional district of New Jersey. An individual can click on any of those Tweets to view past Tweets by that user.

In 2014, AAN engaged in numerous independent expenditures expressly advocating the election or defeat of clearly identified federal candidates. Walsh Aff. ¶ 3. AAN's process to determine whether and how to engage in independent expenditures was conducted internally and incorporated the following four considerations: Are the candidate's positions consistent with those of AAN? Is the candidate's race competitive? Can an independent expenditure strategy be developed to assist the candidate? Does the candidate need assistance? Walsh Aff. ¶ 5.

1. *Are the candidate's positions consistent with those of AAN?*

When AAN considers whether a federal candidate is worth supporting with an independent expenditure, AAN examines whether the candidate's stated positions or official actions align with AAN's own policy goals to "create, encourage and promote center-right policies based on the principles of freedom, limited government, American exceptionalism, and strong national security." Walsh Aff. ¶ 6.

2. *Is the candidate's race competitive?*

Though AAN might initially consult research by noted political commentators, e.g., the *Cook Political Report*, *Rothenberg Political Report*, etc., AAN commissions its own polls – often multiple times over the course of a particular campaign – to obtain a more detailed analysis of the competitive factors animating a race. Walsh Aff. ¶¶ 7, 8. The information from these polls serves as the primary basis for AAN's independent expenditure decision-making. Walsh Aff. ¶¶ 7-8, 12-14, 24-27.

The polls are conducted by pollsters selected by AAN for their track-record of success, polling methodology approved by AAN, and lack of coordination with political campaigns and parties. Walsh Aff. ¶ 8. Furthermore, the polls include questions developed by AAN specific to the issues of importance to it. Walsh Aff. ¶ 8. The poll results begin with summary "top-line" data, e.g., percentage of participants indicating whether they would vote for or against a candidate. Walsh Aff. ¶ 9. More importantly, the poll results include the so-called "cross-tabs" –

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consisting of hundreds of pages of data – that collate all the demographic variables with each of the responses to the poll questions. Walsh Aff. ¶ 9. The pollsters would then provide summary PowerPoint presentations, regression analysis, information on various voter turnout models, and other materials to interpret and apply the information gleaned from the polls. Walsh Aff. ¶ 9.

The “cross-tab” information was critical to AAN’s ability to answer the question of whether a race is competitive. Walsh Aff. ¶ 8-11. For example, in a race between a female candidate whose positions aligned with AAN’s and her male opponent, the “top-line” results might state that the male opponent is ahead 50% to 45% with 5% of the participants undecided. Walsh Aff. ¶ 10. However, the “cross-tabs” would show what portion of the undecided voters were female, members of the female candidate’s political party, as well as other potential indicators of affinity for the female candidate. Walsh Aff. ¶ 10. If the “cross-tabs” showed a high incidence of these factors among the 5% undecided voters, then AAN could conclude that the race was more competitive than the “top-lines” indicated. Walsh Aff. ¶ 10. Alternatively, the “cross-tabs” could show that the male opponent is getting substantial support from the female candidate’s political party, indicating an opportunity to move support in the female candidate’s favor. Walsh Aff. ¶ 10.

Finally, AAN would periodically review available polling data publicly released by polling firms, the press, candidates and their opponents, political party committees like the Democratic Congressional Campaign Committee (“DCCC”), and others observing the campaigns. Walsh Aff. ¶¶ 11, 24. This publicly available polling data did not dictate AAN’s independent expenditure decisions. Walsh Aff. ¶¶ 12-13, 23-28. Rather, AAN used it for the limited purpose of checking the status of a race from different perspectives as additional data-points to compare against AAN’s own polls. Walsh Aff. ¶ 12.

AAN personnel periodically reviewed polling information publicly available on Twitter, including that which is the basis for the Complaint in this matter. Walsh Aff. ¶ 11. As explained in the press, the Twitter polling information was publicly available, could be accessed by anyone, and was clearly understood as polling information. Chris Moody, *How the GOP used Twitter to stretch election laws*, CNN (Nov. 17, 2014), <http://www.cnn.com/2014/11/17/politics/twitter-republicans-outside-groups/> (explaining that the Twitter polling information was publicly available); Nate Cohn, *Sharing Polling Numbers on Twitter: Decoding a Mystery*,

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The New York Times, (Nov. 26, 2014),  
[http://www.nytimes.com/2014/11/27/upshot/sharing-polling-numbers-on-twitter-decoding-a-mystery.html?\\_r=0&abt=0002&abg=1](http://www.nytimes.com/2014/11/27/upshot/sharing-polling-numbers-on-twitter-decoding-a-mystery.html?_r=0&abt=0002&abg=1) (interpreting the substance of the Twitter polling information).

However, these and other publicly available polls were of little significance to AAN because they contained only limited information. Walsh Aff. ¶ 13. First, they may not have identified the pollsters, their methodologies, or otherwise provided a means for AAN to gauge the polls' reliability. Walsh Aff. ¶ 13. Second, neither the granular "cross-tab" information so critical to AAN's analysis, nor any of the other detailed information provided by AAN's pollsters was included in the publicly available polling information. Walsh Aff. ¶ 13. Only the "top-lines" were consistently publicized. Walsh Aff. ¶ 13.

As explained by David Plouffe, President Obama's campaign manager, "top-line" polling data is generally ignored because it "doesn't tell you anything." Rather, one must analyze the "data underneath" to determine "who the true undecideds" are and "how they're likely to break." Mark Blumenthal, *Plouffe on Obama and Polling*, Pollster (Aug. 27, 2008),  
[http://www.pollster.com/blogs/plouffe\\_on\\_obama\\_and\\_polling.html](http://www.pollster.com/blogs/plouffe_on_obama_and_polling.html) (quoting excerpts from an interview with Marc Ambinder). AAN treated the "top-line" information from publicly available sources in the same way and did not materially rely on it when AAN made its independent expenditures. Walsh Aff. ¶ 12-13, 23-28.

3. *Can an independent expenditure strategy be developed to assist the candidate?*

As with the previous question, AAN relied on the "cross-tabs" and other information from its own polls to determine whether an independent expenditure strategy could be developed to assist the candidate. Walsh Aff. ¶ 14. Borrowing from the example above, the "cross-tabs" might show that the 5% undecided voters were largely female and hold the same general view on a particular issue included in the poll. Walsh Aff. ¶ 14. The "cross-tabs" would also show how other demographic groups viewed the issue. Walsh Aff. ¶ 14. AAN could then determine whether promotion of the issue in an independent expenditure would persuade the 5% undecided female voters to vote for the female candidate without alienating the

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candidate's other supporters. Walsh Aff. ¶ 14. AAN could not have answered this question based only on "top-line" polling information. Walsh Aff. ¶ 14.

4. *Does the candidate need assistance?*

AAN determined whether the candidate needed assistance by reviewing publicly available FEC reports disclosing the campaign's financial position. Walsh Aff. ¶ 15. AAN also subscribed to commercial products that analyzed media purchases by campaigns, party committees, and others participating in the race. Walsh Aff. ¶ 15. If AAN's preferred candidate had sufficient campaign funds or if significant advertising time was reserved in the candidate's district by the candidate, the candidate's political party, or other ideologically aligned groups, then AAN would conclude that its independent expenditure support was not necessary. Walsh Aff. ¶ 15.

If AAN could satisfy all four of these criteria in a particular race – and assuming AAN had sufficient funding – then AAN would make an independent expenditure. Walsh Aff. ¶ 16.

Thus, AAN made its independent expenditures based on its own polling and research. AAN received no direction from the NRCC by Twitter or any other means. Walsh Aff. ¶¶ 4, 18, 22. Specifically, AAN did not communicate with the NRCC about how Twitter polling information should affect AAN's independent expenditures. Walsh Aff. ¶¶ 18, 22. AAN's consideration of the Twitter polls was of the same limited nature as its consideration of all other publicly available polling that provided only "top-line" information. Walsh Aff. ¶¶ 12, 13, 23-28.

Furthermore, the content of the Twitter "top-lines" did not otherwise communicate to AAN any non-public information about the NRCC's priorities or wishes. AAN's independent expenditure planning was well advanced prior to when the Twitter "top-lines" were released. Walsh Aff. ¶¶ 23-24. Nearly all of the Twitter "top-lines" referred to races where the NRCC had previously and publicly expressed interest by promoting the Republican candidates in the NRCC's Young Guns or Patriot Program.<sup>3</sup> Walsh Aff. ¶¶ 19-21. And because the NRCC and AAN did not

<sup>3</sup> The NRCC's Young Guns program identified and supported Republican candidates for open seats and challengers to Democrat incumbents. As the NRCC explains on its website, Young Gun candidates were those in races for "competitive congressional seats" in the 2013-2014 election cycle.

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discuss how the Twitter “top-line” information might affect AAN’s independent expenditures, AAN had no basis for knowing what – if anything – the Twitter polls were intended to communicate other than the “top-line” results themselves. Walsh Aff. ¶ 22.

### THE ACT, IMPLEMENTING REGULATIONS, AND OTHER AUTHORITY

An incorporated entity like AAN is permitted to finance independent expenditures expressly advocating the election or defeat of a clearly identified federal candidate, but may not coordinate those communications with candidates or political party committees. *Citizens United v. FEC*, 558 U.S. 310 (2010); Independent Expenditures and Electioneering Communications by Corporations and Labor Organizations, 79 Fed. Reg. 62797 (Oct. 21, 2014).

A communication is coordinated if it (1) is “paid for, in whole or in part, by a person other than [a] candidate, authorized committee, or political party committee,” (2) contains certain “content,” e.g., express candidate advocacy, and (3) satisfies certain “conduct” standards. 11 C.F.R. § 109.21(a). AAN’s 2014 independent expenditures satisfied the first two criteria because the communications

(Continued . . .)

NRCC, Young Guns (last visited Jan. 26, 2015), <http://www.gopyoungguns.com/>. Many Young Gun candidates ran for Democrat-held seats that were identified by the NRCC on its list of “Targeted Districts” and “Top Targets.” See Liesl Hickey, *Democrats’ Hopes of Majority Built on Quicksand*, NRCC (Jan. 16, 2013), <http://www.nrcc.org/2013/01/15/2012-presidential-results-by-congressional-district/>. Finally, the NRCC publicly identified other target races through its Patriot Program, which supports Republican incumbents “expected to face difficult paths to reelection.” NRCC, *Patriot Program preps for relaunch* (June 1, 2011), <http://www.nrcc.org/2011/06/01/patriot-program-preps-for-relaunch/>; see also NRCC, *Patriot Program* (last visited Jan. 26, 2015), <http://www.electgoppatriots.org/>. Of course, the DCCC also publicly announced its own list of priority races in its “Red-to-Blue” and other programs. See DCCC, *DCCC Chairman Israel Announces First 35 Districts in Red to Blue Program, Historic High for Women* (Mar. 3, 2014), <http://archive.dccc.org/blog/entry/dccc-chairman-israel-announces-first-35-districts-in-red-to-blue-program-hi/>.

Approximately fifty-two races were identified in the Twitter polling information. Walsh Aff. ¶ 19. All but two, CA-6 and MI-6, were races that the NRCC promoted in its Young Guns or Patriot Programs. Walsh Aff. ¶ 19. AAN did not make independent expenditures in those two races in 2014. Walsh Aff. ¶ 19.

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were (1) paid for by AAN and (2) "expressly advocat[ed] ... the election or defeat of a clearly identified candidate for Federal office." *Id.* § 109.21(a)(1), (c)(3).

The third criterion – the "conduct" provision – can be satisfied if the communication is made at the "request or suggestion" or after "substantial discussion" with a candidate or political party committee. *Id.* § 109.21(d)(1), (3).<sup>4</sup> However, this third criterion is not satisfied if the "request or suggestion" was public or the "substantial discussion" conveyed information that was publicly available or immaterial to the creation and distribution of the communication.

As explained by the Commission, "request or suggestion" does not include communications "offered to the public generally." Explanation and Justification for Final Rule on Coordinated and Independent Expenditures, 68 Fed. Reg. 421, 432 (Jan. 3, 2003) (*hereinafter*, "2003 E&J"). "Public" is defined as "done, perceived, or existing in open view." See Concise Oxford English Dictionary. A "request that is posted on a web page that is available to the general public is a request to the general public and does not trigger [the 'request or suggestion'] conduct standard." 2003 E&J, 68 Fed. Reg. at 432. However, "a request posted through an intranet service or sent via electronic mail directly to a discrete group of recipients" would not be considered public because access to the information is limited to certain people. *Id.*

Similarly, the "substantial discussion" conduct standard "is not satisfied if the information material to the creation, production, or distribution of the communication was obtained from a publicly available source." 11 C.F.R. § 109.21(d)(3). A "communication created with information found, for instance, on a candidate's or political party's Web site, or learned from a public campaign speech, is not a coordinated communication if that information is subsequently used in connection with a communication." Explanation and Justification for Final Rule on Coordinated Communications, 71 Fed. Reg. 33190, 33205 (Jun. 8, 2006) (*hereinafter*, "2006 E&J"). In addition, the "substantial discussion" must include information "material to the creation, production, or distribution of the communication" for there to be coordination. 11 C.F.R. § 109.21(d)(3).

<sup>4</sup> The "conduct" standard can also be satisfied if the communication is made with the "material involvement" of, or with assistance from a "common vendor" or "former employee or independent contractor" to, a candidate or political party committee. *Id.* § 109.21(d)(2), (4)-(5). The Complaint does not allege such conduct and AAN denies that any occurred. Walsh Aff. ¶ 4.



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When alleging impermissible coordination under these standards, a “[c]omplaint’s inference” of coordinating conduct is not enough. MUR 6077 (Coleman), Factual and Legal Analysis at 5. The Commission has held:

Unwarranted legal conclusions from asserted facts, or mere speculation, will not be accepted as true and such speculative charges, especially when accompanied by direct refutation, do not form an adequate basis to find reason to believe that a violation of the FECA has occurred.

*Id.* at 6 (internal quotations and citation omitted).<sup>5</sup>

### THE COMPLAINT

The Complaint alleges that AAN coordinated its independent expenditures with the NRCC by viewing publicly available polling information posted by the NRCC on Twitter. The Complaint speculates that “it *appears* that the NRCC posted polling information ... as coded requests or suggestions for outside groups to get involved” which “*apparently* prompted advertising buys and other spending by the outside groups in the specific races for which the NRCC posted data,” without which, “the outside groups *may not* have sponsored communications supporting or opposing certain candidates.” Compl. at 5-6 (emphasis added). The Complaint contains no factual evidence to support these claims.

The Complaint makes the conclusory allegation that AAN and the NRCC “must have communicated at some point to come up with this illegal coordination

<sup>5</sup> See also MUR 6679 (Renacci), Factual and Legal Analysis at 7-8 (noting the complaint drew “this inference of coordination” which “is not supported by any available information”); MUR 6366 (Norton), Factual and Legal Analysis at 9 (citing “the speculative nature of the complaint” in concluding that “the conduct prong of the coordinated communications regulations has not been met”); MUR 6164 (Sodrel), Factual and Legal Analysis at 10 (“Based on the speculative nature of the allegations as to the coordination between the [respondents], the Commission finds no reason to believe that” coordination occurred); MUR 6192 (Madison County Democratic Central Committee), Factual and Legal Analysis at 3 (“[S]peculative information absent personal knowledge is insufficient to meet the threshold for ‘reason to believe’ . . . .”); MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee, Inc.), Statement of Reasons at 3 (“Absent personal knowledge, the Complainant, at a minimum, should have made a sufficiently specific allegation . . . so as to warrant a focused investigation that can prove or disprove the charge.”).

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scheme.” Compl. at 6. The Complaint provides an “example” of how that “could” have worked:

For example, if the NRCC posted a Twitter message showing a particular congressional candidate polling significantly ahead of his opponent, the groups would know that the party viewed the candidate as “safe,” and that they should not target spending on that race. By contrast, the NRCC could communicate that a race was competitive by posting a message showing close polling results. Independent groups would then know to devote more spending, resources, and time on that race.

Compl. at 3-4. The Complaint provides no evidence that this actually occurred. Rather, the Complaint speculates that it nonetheless “*appears*” that the Twitter communications were a “request or suggestion” by the NRCC that AAN engage in independent expenditures “after substantial discussion between the NRCC” and AAN. Compl. at 5. The result, according to the Complaint, is that the NRCC and AAN impermissibly coordinated AAN’s independent expenditures. Compl. at 9.

The Complaint acknowledges that information publicly disseminated – through services like Twitter – cannot support a finding of coordination. Compl. at 6. However, the Complaint suggests that the Twitter communications at issue here were not sufficiently public for two reasons. First, the Complaint speculates that “only certain groups knew [the Twitter communications] existed.” Compl. at 7. Second, the Twitter communications “were also encoded” so that “[m]embers of the public ... could not decipher what [the Twitter communications] meant.” Compl. at 7.

## DISCUSSION

AAN was permitted to use publicly available Twitter polling information – without limitation – in connection with its independent expenditures. The Complaint’s contention that the Twitter polling information was not sufficiently public is factually untrue and legally irrelevant. In addition, the Complaint’s speculation that the NRCC instructed AAN how to conform its independent expenditures to the Twitter polling information has no basis in fact and is incorrect. AAN’s

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independent expenditures were the product of AAN's own polls, research, and decisions which did not account for the Twitter polling information in any material way.

**1. The Twitter Polling Information Was Publicly Available Which Categorically Exempts It from the Commission's Coordination Regulations.**

The Commission was clear when promulgating its coordination regulations that information "on a web page that is available to the general public" or "information found, for instance, on a candidate's or political party's Web site" is not a basis for coordination. 2003 E&J; 2006 E&J. A website is "available to the general public" or "publicly available" if access is not limited to "a discrete group of recipients." 2003 E&J; 11 C.F.R. § 109.21(d)(3). There were no access restrictions on the Twitter polling information. It could be viewed by anyone searching the Internet. Therefore, the Twitter polling information was categorically exempt from the Commission's coordination regulations.

The Complaint attempts to impose its own extra-regulatory qualifications on what is "public" suggesting that only a limited number of people knew that the Twitter polling information existed and that the polling information was written in a way that only they could understand. That argument is belied by the dictionary definition of "public," the clear content of the Twitter polling information, and the regulations themselves.

First, the Twitter polling information was "public" because it was "existing in open view" and available to anyone. *See Concise Oxford English Dictionary; see also Moody, supra* (explaining that the Twitter polling information was "publicly available" and in "plain sight"). A billboard is no less "public" on a quiet street than on a busy one. The same is true for content available on the Internet. But Twitter is far from a lonesome corner, it boasts of "284 million monthly active users." Twitter, *About Twitter, Inc.* (last visited Jan. 28, 2015), <https://about.twitter.com/company>.

Second, no "decoder" device or translation sheet was required to understand the Twitter polling information. Its meaning was discernable to any person familiar with political campaigns and their shorthand, including reporters. Nate Cohn proved this point when he detailed in the *New York Times* how to interpret the Twitter polling data, providing the following example:

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First is the state, indicated by its postal code. Then come two ballot tests, the first being of an unknown character (perhaps the generic ballot, a generic re-elect question or perhaps the incumbent's approval rating) and the second being the head-to-head result. What follows seems to be the favorability ratings for the two candidates, the president's approval rating and the congressional district.

Cohn, *supra*.<sup>6</sup> Only basic familiarity with the political campaigns was necessary to interpret the Twitter polling information. *Id.* (rejecting the contention that the tweets were "coded").

Third, the regulations only require that the information be accessible to the public, nothing more. The number of people aware of the information and its clarity are of no consequence as a matter of law.<sup>7</sup>

Because the Twitter polling information could be accessed by anyone, it was publicly available and categorically exempt from the Commission's coordination regulations. Thus, the Complaint's allegations are legally irrelevant and should be dismissed.

## **2. The Complaint's Allegations Are Unsubstantiated, Which Warrants Dismissal.**

The Complaint nonetheless proceeds with a series of wholly unsubstantiated allegations speculating that coordination did occur. The Complaint does not provide any factual support for these allegations. Rather, the Complaint concedes

<sup>6</sup> Mr. Cohn aptly notes that if "anyone was using these tweets, my guess is that they wouldn't have done so without more information." *Id.* Indeed, AAN did not rely on these tweets to make its independent expenditure decisions, but on its own polling and research. Walsh Aff. ¶¶ 7-16, 23-28.

<sup>7</sup> See Laurel Rosenhall, *Ann Ravel describes backlash to comments on online political communication*, Sacramento Bee (Nov. 21, 2014), <http://www.sacbee.com/news/politics-government/capitol-alert/article4053844.html> (Statement by then FEC Vice Chair that, "We have a regulation that I find very frustrating, that essentially exempts anything that's web-based from the regulations.").

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their speculative nature by using words like “appears,” “apparently,” and “may” to qualify its statements, and describes its most detailed allegation only as an “example” of what “could” have happened – not of what actually did occur.

Complaints that contain “[u]nwarranted legal conclusions” of coordination based on “asserted facts, or mere speculation” “absent personal knowledge,” “will not be accepted as true,” “do not form an adequate basis to find reason to believe that a violation of the FECA has occurred,” and have consistently been dismissed by the Commission. MUR 6077 (Coleman), Factual and Legal Analysis at 6 (internal quotations and citation omitted); MUR 6192 (Madison County Democratic Central Committee), Factual and Legal Analysis at 3. The Complaint’s unsubstantiated claims here are precisely the type of speculation that the Commission has steadfastly refused to entertain. It should do so again here by dismissing the Complaint.

**3. AAN Did Not Coordinate Its Independent Expenditures And The Complaint’s Conclusion That They Occurred At The NRCC’s “Request Or Suggestion” Or After “Substantial Discussion” Is Incorrect.**

In any event, the Complaint’s conclusion that AAN made its independent expenditures at the NRCC’s “request or suggestion” or “after substantial discussion” is belied by the facts. First, AAN had no discussions with the NRCC about how Twitter polling information should affect AAN’s independent expenditures. Walsh Aff. ¶¶ 4, 18, 22. AAN’s independent expenditure decisions were based on AAN’s own polling and research and without instruction from the NRCC via Twitter or otherwise. Walsh Aff. ¶¶ 4, 7-16, 18, 22, 24-28. Furthermore, the Twitter polling information did not serve – as suggested by the Complaint – as a clandestine means to identify races of interest to the NRCC. The NRCC – like the DCCC – made that information known widely and publicly months before the Twitter polling information was released.<sup>8</sup> Walsh Aff. ¶¶ 19-21. In the absence of any relevant communication between the NRCC and AAN, there can be no claim that AAN made its independent expenditures at the “request or suggestion” or after “after substantial discussion” with the NRCC.

<sup>8</sup> And because AAN had no discussions about independent expenditures with the NRCC, AAN could not have known if the NRCC was using the substance of the polls to communicate information about AAN’s independent expenditures as suggested in the “example” proffered by the Complaint. Wash Aff. ¶ 22.

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Furthermore, the Twitter polling information had no material effect on AAN's independent expenditures. First, AAN's independent expenditure research, planning, and execution were well underway prior to when the Twitter polling information was publicly released. Walsh Aff. ¶¶ 23-24. And as explained throughout this response, AAN's decisions about whether and how to engage in independent expenditures were based on AAN's own polling and research. Walsh Aff. ¶¶ 5-16, 23-28. Thus, the Twitter polling information was not the impetus for AAN's independent expenditures and, therefore, not a "request or suggestion" that AAN acted upon.

Second, AAN used the "top-line" Twitter polling information – along with that from the DCCC and others – merely as a data point to compare against AAN's own polls. Walsh Aff. ¶¶ 12, 23. AAN relied on the "cross-tabs" from its own polls and other research to guide its independent expenditures. Walsh Aff. ¶¶ 5-16, 23-28. Information exchanged after "substantial discussion" does not amount to coordination if the information is not "material to the creation, production, or distribution of" an independent expenditure. 11 C.F.R. § 109.21(d)(3). The "top-line" Twitter polling information clearly did not meet this materiality requirement for coordination.

### CONCLUSION

The Commission's regulations are unequivocal that use of publicly available information does not constitute coordination. The Twitter polling information that is the basis for the Complaint's coordination claims was publicly available. Therefore, it was categorically exempt from the Commission's coordination regulations and could be used by AAN – and anyone else – however they saw fit. For this reason, the Complaint should be dismissed at the threshold.

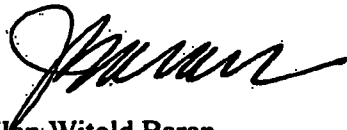
But the Complaint attempts to buttress its coordination allegations with speculation about non-public discussions between the NRCC and AAN. That speculation is wholly unsubstantiated and, therefore, is additional grounds for dismissal.

1604465672

Office of General Counsel  
Federal Election Commission  
January 29, 2015  
Page 15

Nonetheless, the Complaint's speculation is directly contradicted by facts sworn to in this response. Therefore, the Commission should find no reason to believe that AAN coordinated its independent expenditures with the NRCC in violation of the Act and should dismiss this matter.

Sincerely,



Jan Witold Baran  
Caleb P. Burns

Enclosure

Cc: Federal Election Commission  
Office of Complaints Examination  
and Legal Administration  
Attn: Frankie Hampton, Paralegal  
999 E Street, NW  
Washington, DC 20436

1604746NEN-4

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2015 JAN 29 PM 4:41

OFFICE OF GENERAL  
COUNSEL

**BEFORE THE FEDERAL ELECTION COMMISSION**

Washington )  
 )  
District of Columbia )

Matter Under Review 6908

**AFFIDAVIT OF BRIAN O. WALSH**

BRIAN O. WALSH, first being duly sworn, deposes and says:

1. I am Brian O. Walsh. Since the spring of 2011 I have served as President of the American Action Network ("AAN").

2. AAN is an incorporated entity recognized as tax-exempt under section 501(c)(4) of the Internal Revenue Code. I have many responsibilities on behalf of AAN which include, among other things, planning and making strategic decisions regarding AAN's independent expenditures.

3. In 2014, AAN engaged in numerous independent expenditures expressly advocating the election or defeat of clearly identified federal candidates.

4. On December 12, 2014, I received notification from the Federal Election Commission of a Complaint filed against AAN. My understanding is the Complaint alleges that AAN coordinated its 2014 independent expenditures with the National Republican Congressional Committee ("NRCC"). The Complaint is wrong. AAN did not coordinate its 2014 independent expenditures with the NRCC.

5. In 2014, AAN assessed four criteria to determine whether and how to engage in its independent expenditures: Are the candidate's positions consistent with those of AAN? Is the candidate's race competitive? Can an independent expenditure strategy be developed to assist the candidate? Does the candidate need assistance?

6. Regarding the first criterion – Is there a candidate whose positions are consistent with those of AAN? – AAN would examine a candidate's stated positions or official actions to determine whether they align with AAN's own policy goals which are, generally speaking, to create, encourage and promote center-right policies based on the principles of freedom, limited government, American exceptionalism, and strong national security.

7. AAN relied almost exclusively on its own polling to assess the second criterion – Is the candidate's race competitive? The answer to this question would dictate whether an independent expenditure investment by AAN could affect the outcome of the race. Initially, AAN might consult research by noted political commentators in publications like the *Cook Political Report* and the *Rothenberg Political Report* to get insights into the competitiveness of the race.



8. AAN's most thorough analysis of this issue was based on its own polls which it commissioned, sometimes on multiple occasions over the course of a particular race, to obtain a more detailed understanding of the competitive factors animating a race. The polls would be conducted by pollsters selected by AAN for their track-record of success, polling methodology approved by AAN, and upon confirmation that the pollsters' work for AAN would not result in coordination based on their other work or clients. Furthermore, the pollsters would include questions developed by AAN on various issues of importance to AAN and its policy agenda.

9. AAN's pollsters would provide AAN with the summary "top-line" results of the poll, e.g., percentage of participants indicating whether they would vote for or against a candidate. More importantly, the pollsters would also provide the so-called "cross-tabs" of the poll – consisting of hundreds of pages of data – that collate all the demographic variables with each of the responses to the poll questions. This information would be further supplemented with other materials prepared by the pollsters including summary PowerPoint presentations, regression analysis, information on various voter turnout models, and other relevant data.

10. For example, in a race between a female candidate whose positions aligned with AAN's and her male opponent, the "top-line" results might state that the male opponent is ahead 50% to 45% with 5% of the participants undecided. The "cross-tabs" would show what portion of the undecided voters were female, members of the female candidate's political party, as well as other potential indicators of affinity for the female candidate. If the "cross-tabs" showed a high incidence of these factors among the 5% undecided voters, then AAN could conclude that the race was more competitive than the "top-lines" indicated. Alternatively, the "cross-tabs" could show that the male opponent is getting substantial support from the female candidate's political party, indicating an opportunity to move support in the female candidate's favor.

11. Over the course of the race, AAN would also review available polling data publicly released by polling firms, the press, candidates and their opponents, Democrat and Republican party committees, and others observing the campaigns. As part of this process, AAN personnel periodically reviewed the Twitter polls that are the basis for the Complaint in this matter.

12. AAN used this publicly available polling data to check the status of the race from different perspectives. It merely served as an additional data point to compare against AAN's own polling data. The publicly available polling data did not dictate AAN's independent expenditure decisions. As explained throughout this Affidavit, those decisions were based on AAN's own polling data and research.

13. The publicly available polls were of little significance to AAN because they generally contained only limited information. First, they may not have identified the pollsters, their methodologies, or otherwise provided a means for AAN to gauge the polls' reliability. Second, the granular "cross-tab" information so critical to AAN's analysis – as well as the PowerPoint presentations, regression analyses, voter models, and

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the other information provided by AAN's pollsters – was not included in the publicly available polling information, only the “top-lines” were consistently publicized.

14. When assessing its third criterion – Can an independent expenditure strategy be developed to assist the candidate? – AAN relied almost exclusively on the “cross-tabs” from its own polls. Borrowing from the example above, the “cross-tabs” might show that the 5% undecided voters were largely female and hold the same general view on a particular issue included in the poll. The “cross-tabs” would also show how other demographic groups viewed the issue. AAN could then determine whether promotion of the issue in an independent expenditure would persuade the 5% undecided female voters without alienating the candidate's other supporters. Without this information from the “cross-tabs,” AAN would be unable to determine whether a successful independent expenditure strategy was possible.

15. Finally, AAN addressed its fourth criterion – Does the candidate need assistance? – by reviewing publicly available FEC reports that disclose how well-funded a candidate is and by subscribing to commercial products that analyze media purchases by campaigns, party committees, and others participating in the race. If AAN's preferred candidate had sufficient campaign funds or if significant advertising time was reserved in the candidate's district by the candidate, the candidate's political party, or other ideologically aligned groups, then AAN could conclude that its independent expenditure support was not necessary.

16. If AAN could satisfy all four of these criteria in a particular race – and assuming AAN had sufficient funding – then AAN would make an independent expenditure.

17. Nonetheless, the Complaint claims that the Twitter polls of various races were a signal of the NRCC's interest in those races intended to direct AAN and other outside groups to make independent expenditures there. This claim is predicated on the assertion in the Complaint that the NRCC and AAN “must have communicated at some point to come up with this illegal coordination scheme.”

18. First, and foremost, AAN avoided communications with the NRCC or anyone else that might compromise AAN's independence. AAN did not communicate with the NRCC about how Twitter polls should affect AAN's independent expenditures.

19. Second, the Complaint's theory that the NRCC was signaling its interest in these races is belied by the public record. The Complaint included a citation to a press article that captured screen shots of the Twitter polls which is attached hereto (AAN does not have a record of this information). I have examined the fifty-two races identified in the attached and all but two were races in which the NRCC previously and publicly expressed interest by promoting the Republican candidates in the NRCC's Young Guns or Patriot Program. I do not know why the other two races, CA-6 and MI-6, were included, but they were not races in which AAN engaged in independent expenditures during 2014.

20. The NRCC's Young Guns program identified and supported Republican candidates for open seats and challengers to Democrat incumbents. As the NRCC explains on its website, Young Gun candidates were those in races for "competitive congressional seats" in the 2013 - 2014 election cycle. Many Young Gun candidates ran for Democrat-held seats that were identified by the NRCC on its list of "Targeted Districts" and "Top Targets." Finally, the NRCC publicly identified other target races through its Patriot Program, which supports Republican incumbents "expected to face difficult paths to reelection." Of course, the website of the Democratic Congressional Campaign Committee ("DCCC") – the political party directly opposed to the NRCC – had its own listing of priority candidates in its "Red-to-Blue" and other programs.

21. Based on these public pronouncements by the NRCC, AAN and everyone else were aware of the NRCC's interest in these races. The Twitter polls were not the basis for that knowledge.

22. Furthermore, the Twitter polls did not suggest to me that the NRCC thought those races were any more or less important, either over time or in relation to each other, and had no bearing on my opinion of the NRCC's priorities. As I previously stated in paragraph 18, AAN avoided obtaining information about the NRCC's non-public campaign plans, projects, activities, or needs and obtained no such information from the NRCC on how AAN should react to the Twitter polls.

23. In any event, the Twitter polls were not material to AAN's independent expenditure decision-making. AAN's planning for its independent expenditures was well advanced prior to when the Twitter polling information was released which, according to the attached, was late in the summer of 2014. In addition, Twitter boasts "284 million monthly active users" and the Twitter polls provided only "top-line" information. Therefore, AAN afforded them the same limited significance described above for other publicly available polling information that did not include the "cross-tab" information used to guide AAN's independent expenditures. The NJ-3 race provides a useful demonstration of how immaterial the Twitter polling information was to AAN.

24. Early in the 2013-2014 election-cycle, AAN identified Tom MacArthur as a center-right candidate in the NJ-3 race whose views aligned with those of AAN. The race was for an open-seat, so AAN believed it would be highly competitive. The political commentators were calling it "the only competitive race in the state." Cbrush, *CD3 race: MacArthur's wife calls latest Belgard For Congress press release "disturbing and sad"*, PolitickerNJ (July 25, 2014), <http://politickernj.com/2014/07/cd3-race-macarthur-wife-calls-latest-belgard-for-congress-press-release-disturbing-and-sad/>. AAN conducted initial polling April 28-30 and again May 18-20, 2014. AAN subsequently noted that the DCCC released "top-line" information of polls conducted September 8-10 and September 27-28 indicating that the race was competitive. Emily Cahn, *Top New Jersey House Race a Dead Heat in Democratic Poll*, Roll Call (Oct. 1, 2014), <http://atr.rollcall.com/house-races-new-jersey-district-dead-heat/?dcz>. AAN then commissioned another poll conducted October 1-2. According to the attachment here, the first Twitter poll regarding the race was simultaneously released October 1. I do not recall knowing what that Twitter poll said at the time. AAN's decision of whether and how to engage in an

independent expenditure was going to be based on the results of its own polls and research.

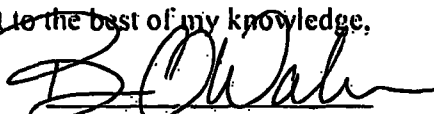
25. According to the attachment, the October 1 Twitter poll indicated that the race was tied at 39% each. The attachment also shows that another Twitter poll was released on October 5 showing a 41% to 38% lead for Mr. MacArthur. Again, I do not recall knowing this information at the time.

26. Based on its own poll and research, AAN determined that it would make independent expenditures in the race. AAN publicly announced this on October 8 and explained that its independent expenditures would begin on October 28. *American Action Network to Spend \$1.1 Million Against Aimee Belgard (NJ-03)*, American Action Network (Oct. 8, 2014), <https://americanactionnetwork.org/press/american-action-network-to-spend-1.1-million-against-aimee-belgard-nj-03>.

27. Though the attachment indicates that another Twitter poll was released on October 18 showing that Mr. MacArthur had extended his lead, 43% to 36%, AAN continued with its plan – based, again, on its own polling and research – to disseminate its independent expenditures beginning October 28.


28. I do not know whether AAN reviewed the above-described Twitter polling information for NJ-3 when it was released. I am not aware of any discussion of it or references to it in any materials that would have described AAN's independent expenditure decision-making for that race.

The above information is true and correct to the best of my knowledge, information, and belief.

  
Brian O. Walsh

Washington, D.C.

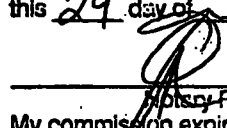
Subscribed to and sworn before me this 29 day of January, 2015

  
Notary Public

My Commission Expires: 8/14/2016



District of Columbia : SS  
Subscribed and Sworn to before me  
this 29 day of January 2015

  
Notary Public, D.C. 8/14/2016  
My commission expires

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**ATTACHMENT TO  
AFFIDAVIT OF  
BRIAN O. WALSH**

160444061080

Politics

# See the GOP's coded tweets

By Chris Moody, CNN

updated 11 29 AM EST, Tue November 18, 2014

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**Bruno Gianelli**  
@BrunoGianelli44

Tweet to Bruno Gianelli

TWEETS 98

Tweets    Tweets & replies

- Bruno Gianelli @BrunoGianelli44 · Oct 29  
MI-WA-57/24-58/30/30/17-WA-10/28/14-6
- Bruno Gianelli @BrunoGianelli44 · Oct 29  
CA-WA-48/36-50/17-30/30-WA-10/28/14-21
- Bruno Gianelli @BrunoGianelli44 · Oct 24  
IL-38/37-48/42-44/28-51/31-48/47-10/23/14-10
- Bruno Gianelli @BrunoGianelli44 · Oct 24

## More from CNN:



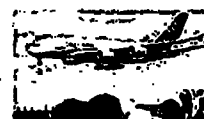
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A pollster who reviewed the tweets said the code appears to reference the state of the race, top line numbers for the race, the date and the district number.

The accounts CNN reviewed, @Brunogianelli44 and @TruthTrain14, were deleted moments after we contacted the NRCC with questions.

But before that, CNN captured screenshots of the tweets dating back to July, which we're providing here in full for the first time.

It prohibits outside groups from trying to influence an election.

## See the GOP's coded tweets

By Chris Moody, CNN

updated 11:39 AM EST, Tue November 18, 2014

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■ **Chris Moody** 11/18/14 11:39 AM EST  
NY-48/38-55/39-19-23/27-39/37-10/23/14-18

■ **Chris Moody** 11/18/14 11:41 AM EST  
NY-48/45-43/49-37/45-43/44-10/23/14-1

■ **Chris Moody** 11/18/14 11:42 AM EST  
NE-48/44-37/43/43/7-42/51-52/29-41/54-10/23/14-2

■ **Chris Moody** 11/18/14 11:43 AM EST  
PA-34/41-51/41-44/24-38/34-10/23/14-10/23/14-8

■ **Chris Moody** 11/18/14 11:44 AM EST  
MA-48/41-37/38/41/10-50/19-51/15-42/51-10/23/14-8

■ **Chris Moody** 11/18/14 11:45 AM EST  
NJ-42/37-44/39/43-47/34-38/20-38/54-10/23/14-1

■ **Chris Moody** 11/18/14 11:46 AM EST  
ME-48/37-38/37/38/38-44-43/40-43/50-10/23/14-2

### More from CNN:



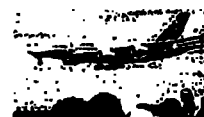
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11/18/14 11:39 AM EST  
NY-48/38-55/39-19-23/27-39/37-10/23/14-18

11/18/14 11:41 AM EST  
NY-48/45-43/49-37/45-43/44-10/23/14-1

11/18/14 11:42 AM EST  
NE-48/44-37/43/43/7-42/51-52/29-41/54-10/23/14-2

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PA-34/41-51/41-44/24-38/34-10/23/14-10/23/14-8

11/18/14 11:44 AM EST  
MA-48/41-37/38/41/10-50/19-51/15-42/51-10/23/14-8

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NJ-42/37-44/39/43-47/34-38/20-38/54-10/23/14-1

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11/18/14 12:00 AM EST  
ME-48/37-38/37/38/38-44-43/40-43/50-10/23/14-2

Politics

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By Chris Moody, CNN

Updated 11:29 AM EST, Tue November 18, 2014

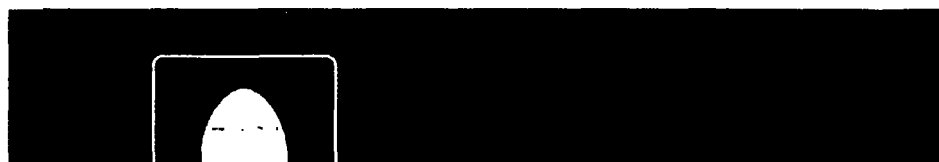
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@TruthTrain14

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11/18/14  
87

Tweets Tweets & replies

Truth Train @TruthTrain14 · Oct 25  
FL-44/42-44/44-38/35-42/41-49/47-10/22/14-26

Truth Train @TruthTrain14 · Oct 11  
IL-45/38-39/43/33/8-42/30-35/37-40/53-10/23/14-12

Truth Train @TruthTrain14 · Oct 22  
AZ-43/42-45/47-38/36-41/45-43/54-10/21/14-01

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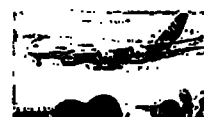
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**Republican outside groups use Twitter to coordinate election strategy**



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By Chris Moody, CNN

updated 11 29 AM EST, Tue November 18, 2014

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**Bruno Gianelli** @BrunoGianelli44  
CO-13/AS-41W443/32-45/35-42/35-44/50-10/21/14-6

**Bruno Gianelli** @BrunoGianelli44  
VA-47/37-31/45/31/2/2/3-46/31-27/23-NA-10/23/14-10

**Bruno Gianelli** @BrunoGianelli44  
PA-46/40-37/23-58/20-12/6-61/54-10/21-14-8

**Bruno Gianelli** @BrunoGianelli44  
NY-28/22-34/43/31/8-40/30-26/35-40/54-10/20/14-21

**Bruno Gianelli** @BrunoGianelli44  
IA-43/41-41/47-37/21-44/26-NA-10/18/14-2

**Bruno Gianelli** @BrunoGianelli44  
NJ-43/36-3W-38/31-9-35/23-30/22-41/54-10/18/14-3

**Bruno Gianelli** @BrunoGianelli44  
CA-40/43-44/40-44/44-50/26-44/49-10/16/14-52--48/476-106

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Excluded the outside group's...  
...in 2014 tweets, which...

16044461584

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updated 11 29 AM EST, Tue November 18, 2014

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**Bruno Gianelli** @BrunoGianelli44 · 2014  
WA-WA-1004/53/24-27/77-30/23-29/29-10/18/14-2

**Bruno Gianelli** @BrunoGianelli44 · 2014  
MN-43/44-37/44/42/4-40/42-42/38-N/A-10/18/14-3

**Bruno Gianelli** @BrunoGianelli44 · 2014  
CA-40/40-47/36-51/17-38/25-41/51-10/18/14-21

**Bruno Gianelli** @BrunoGianelli44 · 2014  
CA-43/41-37/40-39/18-40/26-39/35-10/18/14-38

**Bruno Gianelli** @BrunoGianelli44 · 2014  
NY-20/34-40/30-61/18-9/20-41/54-10/18/14-19

**Bruno Gianelli** @BrunoGianelli44 · 2014  
FL-40/40-41/43-37/20-35/35-40/50-10/14/14-28

**Bruno Gianelli** @BrunoGianelli44 · 2014  
CA-WA-47/43-48/35-32/36-40/54-10/18/14-7

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Republicans, outside groups can't coordinate

# See the GOP's coded tweets

By Chris Moody, CNN

updated 11:29 AM EST, Tue November 18, 2014

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- Bruno Gianelli (@BrunoGianelli44) Oct 12  
MN-51/23-44/43-34/18-47/22-N/A-10/14/14-7
- Bruno Gianelli (@BrunoGianelli44) Oct 12  
CA-38/19-49/31-52/14-32/27-38/54-10/9/14-21
- Bruno Gianelli (@BrunoGianelli44) Oct 12  
MT-N/A-39/41/37/5-43/30-35/28-N/A-10/13/14-AL-->@daveuaplate
- Bruno Gianelli (@BrunoGianelli44) Oct 13  
NY-43/41-44/47-38/41-47/43-44/35-10/13/14-1
- Bruno Gianelli (@BrunoGianelli44) Oct 13  
OH-46/31-31/50/25/6-47/16-10/6-30/54-10/11/14-5
- Bruno Gianelli (@BrunoGianelli44) Oct 13  
AR-43/39-39/43/28-7-39/24-39/27-N/A-10/12/14-2
- Bruno Gianelli (@BrunoGianelli44) Oct 13  
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Bravo Glenn @Brunogianelli44  
CA-4726-5126-3817-811-3107-10/14-14

Bravo Glenn @Brunogianelli44  
NE-4238-3148-302-4838-3518-38/10/14-1

Bravo Glenn @Brunogianelli44  
CO-4844-3143/40-4838-4838-4155-10/14-8

Bravo Glenn @Brunogianelli44  
VA-4840-3142/38/21-3825-2818-4038-10/14-10

Bravo Glenn @Brunogianelli44  
ME-4838-3143/38-3821-3731-4453-10/14-2

Bravo Glenn @Brunogianelli44  
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CA-44/42/44/43-43/42-44/43-41/25-10/2/14-32

Bruno Gianelli (@BrunoGianelli44)  
IA-42/41-40/39-34/25-30/15-43/53-10/2/14-1

Bruno Gianelli (@BrunoGianelli44)  
AR-47/42-48/39-33/25-37/25-32/31-44/10/2/14-4

Bruno Gianelli (@BrunoGianelli44)  
NJ-41/33-34/27/25/5 24/32/33/17-20/20-43/53-10/2/14-3

Bruno Gianelli (@BrunoGianelli44)  
CA-NR-45/43-43/33-40/35-44/51-4/30/14-7

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Republican outside groups used Twitter to share internal polling data

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updated 11 29 AM EST, Tue November 18, 2014

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NY 43/20, JW47/187, 43/22-20/28 41/56-626/14-31

NY 49-38-59/33-64/19-23/13-39/57-6/26/14-10

■ **Drum Corps III** 07: 07:00 22 500.0  
140-12/07-20/01/00/0-15/23-57/0-14/05-07/0/0-0

■ Bruno Giarelli BA, geboren 4. August  
WV 48/30-4W36/31/07-21/24-20/16-27/07-8/24/14-2

MIN-41-12482-SS05-4535-4D56-8/24/14-5

**Group Classification:** Culture II Age 14  
MN-05/04-07/05-25/12-03/25-28/02-29/23/14-7

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IL-37/40-3W45/43-3W43/39/7-45/23-47/28-39/55-8/18/14-12
- Bruno Gianelli CNN, Nov 17, 2014  
MT-41/34-44/38/4-34/24-33/14-33/61-8/18/14-AL
- Bruno Gianelli CNN, Nov 17, 2014  
NH-44/44-45/47-46/35-47/44-42/56-8/18/14-1
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IL-38/37-45/44-37/29-33/20-48/32-8/18/14-10
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Republican outside groups use Twitter to share polling data

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By Chris Moody, CNN

updated 11:29 AM EST, Tue November 18, 2014

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CO-47/49-47-40-6-2-48/25-40/31-4/54-9/17/14-6

■ Bruno Gianelli (@BrunoGianelli44) Sep 16  
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■ Bruno Gianelli (@BrunoGianelli44) Sep 16  
MI-45/35-51/34/3/3-55/31-23/10-42/55-9/18/14-1

■ Bruno Gianelli (@BrunoGianelli44) Sep 16  
VA-45/35-44/35/1-12/34/33/4/1/2-34/21-18/13-35/55-9/18/14-10

■ Bruno Gianelli (@BrunoGianelli44) Sep 16  
CA-44-48/44-45/27-48/37-42/54-9/18/12-7

■ Bruno Gianelli (@BrunoGianelli44) Sep 16  
NY-34/45-48/28-35/19-43/40-34/51-9/18/14-1

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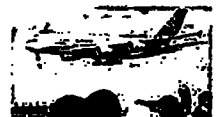
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By Chris Moody, CNN

updated 11:29 AM EST, Tue November 18, 2014

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- 
 Bruno Gianelli (@BrunoGianelli44) 5:40 P  
 PA-03/40-55/28-31/21/11/43-40/55-49/24-8-
- 
 Bruno Gianelli (@BrunoGianelli44) 5:40 P  
 CA-45/43-42/43-27/13-34/20-40/57-42/14-36
- 
 Bruno Gianelli (@BrunoGianelli44) 5:10 P  
 CA-42/39-48/38-43/21-31/8-43/52-8/4/14-10
- 
 Bruno Gianelli (@BrunoGianelli44) 5:40 P  
 NY-45/40-41/42-39/29-38/30-41-54/8/4/14-8
- 
 Bruno Gianelli (@BrunoGianelli44) 5:10 P  
 AZ-50/42-51/43-33/15-48/40-42/35-34/14-1
- 
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updated 11:29 AM EST Tue November 18 2014

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ME-38/33-33/37-29/37-32/18-41/63-8/19/14-2

Brno Glanelli (@BrunoGlanelli44) 44 days ago  
MI-38/31-32/20-48/28-15/8-33/64-8/21/14-7

Brno Glanelli (@BrunoGlanelli44) 44 days ago  
TX-43/42-37/47-23/8-42/24-40/67-8/14/14-23

Brno Glanelli (@BrunoGlanelli44) 44 days ago  
MT-44/30-8/14/42/26-12/14/40/34-31/20-20/10-37/80-8/14/14-41

Brno Glanelli (@BrunoGlanelli44) 44 days ago  
GA-14/40-35/40-18/10-33/12-49/48-8/12/14-1

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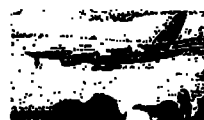
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updated 11:29 AM EST Tue November 18 2014

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IA-42/43-43/44-26/16-39/28-46/51-8/5/14-2

**Bruno Gianelli** @BrunoGianelli44 · Aug 1  
AR-48/32-47/28-14/5-14/10-31/67-7/31/14-4

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Republicans outside groups use Twitter to coordinate election law

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By Chris Moody, CNN

Updated 11:29 AM EST Tue November 18, 2014

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- Truth Train (@TruthTrain14) RT @TruthTrain14: NH-48/33-44/47-34/47-48/44-41/54-10/28/14-01
- Truth Train (@TruthTrain14) RT @TruthTrain14: CA-43/28-44/42-44/41-41/42-47/45-10/20/14-52
- Truth Train (@TruthTrain14) RT @TruthTrain14: TX-48/33-24/48-34/41/44/8-32/23-41/34-34/58-10/14/14-23
- Truth Train (@TruthTrain14) RT @TruthTrain14: MA-44/33-43/40-22/5-30/23-44/51-10/18/14-08
- Truth Train (@TruthTrain14) RT @TruthTrain14: ME-44/33-34/44/48-30/41-41/32-43/52-10/18/14-02
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- Truth Train CT at Twitter Politics  
FL-40/48-38-39/48/6-41/40-42/25-44/50-10/12/14-02
- Truth Train CT at Twitter Politics  
NY-40/29-38/40/24-38-42/23/10-37/20-28/28-35/31-10/14/14-01
- Truth Train CT at Twitter Politics  
MD-42/40-40/41-38/32-38/38-48/48-10/15/14-00
- Truth Train CT at Twitter Politics  
CA-52/44-48/48-40/25-52/57-38/57-10/11/14-12
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160471611076

# See the GOP's coded tweets

By Chris Moody, CNN

Updated 11:29 AM EST Tue November 18, 2014

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- Truth Train 14 (@TruthTrain14) NY-40/42-41/43-41/43-42/44-10/13/14-12
- Truth Train 14 (@TruthTrain14) NY-40/42-41/43-41/43-42/44-10/13/14-01
- Truth Train 14 (@TruthTrain14) MI-40/42-41/43-41/43-42/44-10/13/14-01
- Truth Train 14 (@TruthTrain14) NY-40/42-41/43-41/43-42/44-10/13/14-24
- Truth Train 14 (@TruthTrain14) PA-40/42-41/43-41/43-42/44-10/13/14-05
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Republican outside groups use Twitter to coordinate election strategy

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**Truth Train** (@TruthTrain14) **RT** @Brunogianelli44  
NE-44/35-2nd/147-3rd/74/6-37/53-43/30-45/20-10/9/14-02

**Truth Train** (@TruthTrain14) **RT** @Brunogianelli44  
NY-43/30-10/10-35/32-46/40-24/75-10/8/14-03

**Truth Train** (@TruthTrain14) **RT** @Brunogianelli44  
WA-51/20-4th/32/110-20/22-22/19-27/19-15/14-02

**Truth Train** (@TruthTrain14) **RT** @Brunogianelli44  
AZ-44/30-44/40-45/44-53/30-47/40-10/7/14-02

**Truth Train** (@TruthTrain14) **RT** @Brunogianelli44  
IA-41/21-2nd/32/20-3rd/1/34/1-30/20-30/21-40/24-10/8/14-03

**Truth Train** (@TruthTrain14) **RT** @Brunogianelli44  
IL-42/30-2nd/40/40-30/30/7-57/30-30/32-43/53-10/9/14-12

**Truth Train** (@TruthTrain14) **RT** @Brunogianelli44  
MD-40/40-3rd/30/40/10-57/40-41/30-50/57-10/2/14-02

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NE-44/35-2nd/147-3rd/74/6-37/53-43/30-45/20-10/9/14-02

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**By Chris Moody, CNN**

urated 11:29 AM EST Tue November 18, 2014


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**Track Data:** 11/17/2013 11:11:11  
 IA-44/38-39/37-35/21-31/23-50/48-10/8/14-01

FL-42/45-43/49-33/26-33/40-48/47-103/14-26

AR-45/41-40/42-37/26-37/25-37/24-10/2/14-02


[DOI: 10.1002/for](https://doi.org/10.1002/for)  
<https://onlinelibrary.wiley.com/doi/10.1002/for>

NY-87/33-2w47/37-3w43/31/7-39/38-28/25 42/55-8/30/14-21

FL 43/49-3-42/45/8-40/38-39/29-41/52-8/28/14-00

Trade Dress Litig. 1/14/14 2014  
N.J. 39208-61/24-18/16-17/18-45/50-9/29/14-05

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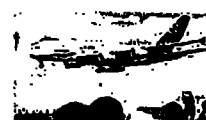
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By Chris Moody CNN

updated 1:29 AM EST Tue November 18 2014

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- Truth Train 14: NY-45/38-43/44-39/24-41/41-42/51-47/23/14-01
- Truth Train 14: IA-50/38-43/41-33/21-39/24-39/67-47/23/14-02
- Truth Train 14: MI-63/39-34/48/32/6-36/15-7/2-41/68-9/23/14-11
- Truth Train 14: MI-41/28-44/46/21/2/2-29/10-6/1-31/58-9/22/14-04
- Truth Train 14: CO-41/44-24/48/42-44/42/33/43-44/37-48/31-9/24/14-08
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18044463600

## See the GOP's coded tweets

**By Chris Moody CNN**

updated 11/29/85 ESE: The Mc. number 2314

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CA-41/42-37/52-26/16-56/21-44/50-67/14-35

Trace Data C: 11/14/19  
DE-00000-4147-44/43-1729-0252-11/18/19-CU

**■** **Trans World Entertainment** 6/11 11:32  
AZ-0545-0040-51/35-55/35-45/51-0/10/14-02

**Train Train** #7... 11-2-93  
NY-1508-4271-5325-15B-4454-B/15/14-03


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**Q** **Drugs Used:** Citalopram 10 mg, 15 mg, 20 mg, 30 mg  
L-4343-40/42-48/31-45/33-47/45-8/19/16-10

Health Equity 2019, 8, 491 | Page 14

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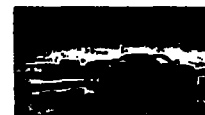


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● 2010年10月1日起，企业为在本企业任职或受雇的全体员工缴纳补充养老保险费的支出，不超过职工工资总额5%标准内的部分，在计算应纳税所得额时准予扣除；超过的部分，不得扣除。

[illegible]



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By Chris Moody, CNN

Updated 11:29 AM EST Tue November 18, 2014

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AR-62/20-30-42/22/4-42/14-25/24-32/33-3/25/14-02
- Truth Train (@TruthTrain14) Aug 14  
MN-43/37-41/30-38/24-31/31-36/30-3/2/14-03
- Truth Train (@TruthTrain14) Aug 14  
ME-40/30-33/33-40-33/33/2-42/24-72-42/63-3/17/14-07
- Truth Train (@TruthTrain14) Aug 14  
NY-43/37-41/44-30/17-48/32-42/53-3/14/14-01
- Truth Train (@TruthTrain14) Aug 14  
TX-50/51-44/40-24/7-41/29-34/65-3/14/14-23
- Truth Train (@TruthTrain14) Aug 14  
PA-40/33-47/33-20/13-23/22-37/31-3/14/14-03
- Truth Train (@TruthTrain14) Aug 14  
MI-42/33-30/33-44-47/33/33/40-43/33-3/7-39/33-3/13/14-01

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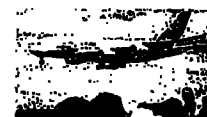
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160444616001

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**By Chris Moody** CNN

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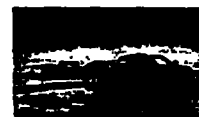


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406444-091

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By Chris Moody, CNN

updated: 11:24 AM EST Tue November 18 2014

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**Truth Train** @TruthTrain14 · Aug 1  
CA-43/36-55/30-63/8-18/10-38/49-7/29/14-21

**Truth Train** @TruthTrain14 · Jul 30  
CO-42/36-49/36-46/30-21/19-7/27/14-06

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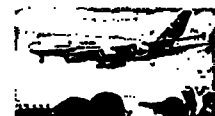
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rep debate - outcome tonight will be tied to go down in history.

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updated 11:29 AM EST, Tue November 18, 2014

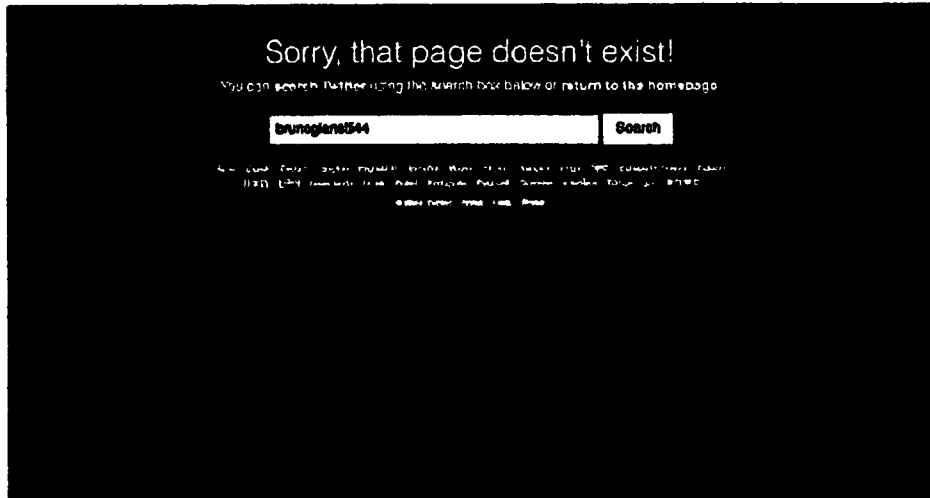
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